UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/984,476	12/03/1997	M MICHAEL WOLFE	34477.2	2213

21874 7590 07/26/2004

EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
ROMEO, DAVID S	
ART UNIT	**PAPER NUMBER**
1647	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/984,476	WOLFE ET AL.	
	Examiner	Art Unit	
	David S Romeo	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,8-16,18-40 and 42-85* is/are pending in the application.

4a) Of the above claim(s) *42,56-59,79 and 83-85* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,8-16,18-40,43-55,60-78 and 80-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1,8-16,18-40 and 42-85* are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/29/2004 has been entered.

Claims 1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42-85 are pending. The originally presented invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 42 remains withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Election/Restrictions

Newly submitted claims 56-59, 79, 80-85 are directed to or encompass an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly submitted claims 56-59, 79, 80-85 are directed to or encompass an antibody, classified in class 424, subclass 130.1. The invention originally claimed is drawn to a GIP antagonist, classified in class 514, subclass 13.

The invention originally claimed is related to the antibody of the newly submitted claims by virtue of being the cognate antigen, necessary for the production of the antibody. Although the invention originally claimed and antibody are related due to the necessary stearic

complementarity of the two, they are distinct inventions because they are physically and functionally distinct chemical entities. The invention originally claimed can be used in another materially different process from the use for production of the antibody, such as in a pharmaceutical composition in its own right. The antibody can be used in another materially different process from the use for antagonism of the invention originally claimed, such as in immunoaffinity purification of the cognate antigen.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 56-59, 79, 80-85 are withdrawn from consideration to the extent that they are drawn to or encompass a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claims 1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82 are being examined.

Maintained Formal Matters, Objections, and/or Rejections:

Claim Rejections - 35 USC § 112

Claims 27-30, 35, 36, 39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection. A basis for the

following limitations cannot be found in the specification or claims as originally filed: a polypeptide that interferes with the biological activity of GIP wherein said polypeptide comprises an amino acid sequence corresponding to amino acids 16-30, 21-30, or 7-9 of GIP. The introduction of such limitations raises the issue of new matter.

The rejection of record is applied to claims 1, 9, 12, 13, 18, 20, 24, 25, 27-32, 34-43, 52-55, 63, 68, 70, 75, 76, 80-82. The disclosure only supports a GIP or GIP receptor antagonist directed to amino acids 7-30 or 10-30 of GIP. All other claimed embodiments of a GIP or GIP receptor antagonist, other than amino acids 7-30 or 10-30 of GIP, are not supported by the original disclosure. In addition, support for the recitation of:

95%;

unacceptable weight gain; and,

the limitations in claims 63, 68, 70, 75, 76, 80-82;

cannot be found in the original disclosure. The lack of support for these limitations raises the issue of new matter.

Applicants argue that this rejection has been overcome by amendment. Applicant's arguments have been fully considered but they are not persuasive. The claims are still directed to or encompass a GIP or GIP receptor antagonist comprising amino acids 16-30, 21-30, or 7-9 of a GIP. Support for these limitations cannot be found in the disclosure as originally filed and their introduction raises the issue of new matter.

Claims 8, 11, 15, 16 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an antagonist of GIP consisting essentially of amino acids

7-30 or 10-30 of rat GIP, does not reasonably provide enablement for an antagonist of GIP without regard to the structure thereof. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

The rejection of record is applied to claims 14, 22, 27-30, 35-39, 43-55, 60-78, 80-82.

Applicants argue that this rejection has been overcome by amendment to claims 1, 8-12, 16, 18, 19. Applicants argue that four GIP antagonists have been demonstrated and that the specification teaches which segments to use to make antagonists. Applicant's arguments have been fully considered but they are not persuasive. The four GIP antagonists that the present specification demonstrates are:

```
SEQ ID NO: 2         1 ISDYSIAMDKIHQQDFVNWLLAQK 24
SEQ ID NO: 5           1 YSIAMDKIHQQDFVNWLLAQK 21
SEQ ID NO: 8         1 ISDYSIAMDKIRQQDFVNWLLAQK 24
SEQ ID NO: 10 1          YSIAMDKIRQQDFVNWLLAQK 21.
```

The claims are directed to or encompass polypeptides which the specification has shown not to be antagonistic or are agonists. The breadth of the claims does not bear a reasonable correlation to the four, highly similar antagonistic peptides that differ only in a single amino acid. Yet the claims require antagonistic activity. The skilled artisan is required to make antagonist activity where there is none. The issue is the breadth of the claims in light of the predictability of the art as determined by the number of working examples, the skill level of the artisan and the guidance provide by the instant specification and the prior art of record. Unless one has a reasonable expectation that any one material embodiment of the claimed invention would be more likely than not to function in the manner disclosed or the instant specification provides sufficient guidance to permit one to identify those embodiments which are more likely

to work than not without actually making and testing them then the instant application does not support the breadth of the claims.

The problem of predicting protein structure from sequence data and in turn utilizing predicted structural determinations to ascertain functional aspects of the protein is extremely complex. While it is known that many amino acid substitutions are generally possible in any given protein the positions within the protein's sequence where such amino acid substitutions can be made with a reasonable expectation of success are limited. Certain positions in the sequence are critical to the protein's structure/function relationship, e.g. such as various sites or regions directly involved in binding, activity and in providing the correct three-dimensional spatial orientation of binding and active sites. These or other regions may also be critical determinants of antigenicity. However, Applicant has provided little or no guidance beyond the mere presentation of sequence data to enable one of ordinary skill in the art to determine, without undue experimentation, the positions in the protein which are tolerant to change (e.g. such as by amino acid substitutions or deletions), and the nature and extent of changes that can be made in these positions. Although the specification outlines assays for producing and screening for active antagonists, this is not adequate guidance as to the nature of active derivatives that may be constructed, but is merely an invitation to the artisan to use the current invention as a starting point for further experimentation. Note that claims 52, 54, 55, for example, only requires identity to a single amino acid residue. Even if an active or binding site were identified in the specification, they may not be sufficient, as the ordinary artisan would immediately recognize that an active or binding site must assume the proper three-dimensional configuration to be active, which conformation is dependent upon surrounding residues; therefore substitution of

non-essential residues can often destroy activity. The art recognizes that function cannot be predicted from structure alone. Due to the large quantity of experimentation necessary to generate the infinite number of derivatives recited in the claims and possibly screen same for activity, the lack of direction/guidance presented in the specification regarding which structural features are required in order to provide activity, the limited working examples directed to same, the complex nature of the invention, the state of the prior art which establishes the unpredictability of the effects of mutation on protein structure and function, and the breadth of the claims which fail to recite any structural or limited structural limitations, undue experimentation would be required of the skilled artisan to make and/or use the claimed invention in its full scope.

Claim Rejections - 35 USC § 102

Claim(s) 44 is rejected under 35 U.S.C. 102(b) as being anticipated by Ebert (y12). Ebert teaches a specific GIP antiserum (page 1601, paragraph bridging columns 1-2). Ebert also teaches a pharmaceutical composition comprising the anti-GIP, antagonistic antibody or antibodies (page 1602, columns 1-2).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., decre4ase in blood glucose or gleucose asorption) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Evidence of secondary considerations, such as unexpected results, commercial success, or teaching away, is irrelevant to 35 U.S.C. 102 rejections and thus cannot overcome a rejection so based.

New Formal Matters, Objections, and/or Rejections:

Specification

A reference to add the 60/032,329 prior-filed application on page one following the first sentence of the specification has been included in an amendment filed on 03/29/2004. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim after the filing date of the application, the amendment would not be proper. When a benefit claim is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application.

An amendment deleting the incorporation by reference statement is required.

Claim Objections

Claim 68 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the

claim(s) in independent form. The term "by up to about 72%" encompasses 0%. A 0% decrease fails to further limit a decrease.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 8-14, 18-21, 39, 40, 43, 44, 50, 52-55, 60, 67-78, 80-82 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims, as written, do not sufficiently distinguish over compounds as they exist naturally because the claims do not particularly point out any non-naturally occurring differences between the claimed products and naturally occurring products. In the absence of the hand of man, the naturally occurring products are considered non-statutory subject matter. See Diamond v. Chakrabarty, 447 U.S. 303, 206 USPQ 193 (1980). The claims should be amended to indicate the hand of the inventor, e.g., by insertion of "Isolated" or 'Purified." See MPEP 2105.

Claim Rejections - 35 USC § 112

Claims 8, 11, 14-16, 22, 44-51, 60-65, 70-78, 80-82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims are directed to or encompass a GIP antagonist, a polypeptide GIP receptor antagonist, a polypeptide GIP antagonist, or a GIP inhibitor antagonist, i.e., the claims are directed to or encompass any and/or all compounds or any and/or all polypeptide compounds possessing the desired functional activity. The claims are directed to a genus of compounds that are GIP antagonists .

A GIP antagonist according to the present specification is any composition which interferes with biological action of GIP. Such compositions include antibodies specific for either GIP or GIP receptors, antisense RNA which hybridizes with mRNA encoding GIP or GIP receptor, or other genetic controls which knock out expression of GIP or GIP receptor. GIP antagonists also include peptides or other small molecules which bind to the GIP receptor and block the cAMP response to GIP. Page 7, last full paragraph.

The present specification contemplates any polypeptide sequence which effectively prevents GIP activation of its native receptor, such as the sequence containing amino acids in positions 7-30 of the sequence of the GIP sequence and polypeptides based upon sequences containing amino acids in positions 7-30 of the sequence of the GIP that include additional, deleted or alternative amino acids to form effective GIP polypeptide antagonist. Polypeptides based on this sequence may be designed for use as GIP antagonists according to this invention by the skilled artisan, who will routinely confirm that the resultant peptides exhibit antagonist function by testing the peptides in in vitro and in vivo assays. Page 8, full paragraph 1. GIP (7-30)-NH_2, GIP (16-30)-NH_2, GIP (21-30)-NH_2, and GIP (31-44) were examined to determine whether any of these fragments might serve as an antagonist to GIP. Only GIP (7-30)-NH_2 (ANTIGIP) was found to attenuate the cAMP stimulatory effects exhibited by GIP (1-42). Page

14, full paragraph 2. Peptide GIP (10-30)-NH_2 is an antagonist, albeit a weak one. On the other hand, GIP (10-30)-NH_2 also has agonist properties. Paragraph bridging pages 14-15. Peptide antagonists would appear to require the segment from amino acids 7-9 of the GIP sequence, and some or all of the amino acids from 10-30. Paragraph bridging pages 7-8.

The specification and claim do not indicate what distinguishing attributes shared by the members of the claimed genus. The specification and claim do not place any limit on the number of amino acid substitutions, deletions, insertions and/or additions that may be made to a referenced GIP sequence. Thus, the scope of the claim includes numerous structural variants, and the genus is highly variant because a significant number of structural differences between genus members is permitted. Structural features that could distinguish compounds in the genus from others in the protein class are missing from the disclosure. No common structural attributes identify the members of the genus. The general knowledge and level of skill in the art do not supplement the omitted description because specific, not general, guidance is what is needed. Since the disclosure fails to describe the common attributes or characteristics that identify members of the genus, and because the genus is highly variant, GIP (7-30)-NH_2 and GIP (10-30)-NH_2 alone are insufficient to describe the genus. One of skill in the art would reasonably conclude that the disclosure fails to provide a representative number of species to describe the genus. Furthermore, the Section 112 written description requirement cannot be satisfied with generalized language that does not detail the identity of the invention. Thus, applicant was not in possession of the claimed genus.

The following claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "said polypeptide" in line 3. The antecedent basis for this limitation is unclear. Reciting "said isolated polypeptide" is suggested.

Claims 23-38 recite the limitation "said polypeptide" or "the polypeptide." The antecedent basis for this limitation is unclear. Reciting "said isolated polypeptide" is suggested.

Claim 53 is indefinite over the recitation of "95% identity to a group" because it is unclear how to determine such a value. The metes and bounds are not clearly set forth.

The term "unacceptable" in claims 65, 70, 80-82 is a relative term which renders the claim indefinite. The term "unacceptable" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the metes and bounds of the invention. The metes and bounds are not clearly set forth.

The term "normally achieved, "normally attained," or "abnormal" in claim 47, 61-65, 67, 70, or 80 is a relative term which renders the claim indefinite. The term "normally achieved, "normally attained," or "abnormal" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the metes and bounds of the invention. The metes and bounds are not clearly set forth.

Claim 76 is indefinite because it recites the term "non-homologous". Because the instant specification does not identify that material element or combination of elements which is unique

to, and, therefore, definitive of "homologous" or "non-homologous" an artisan cannot determine what additional or material functional limitations are placed upon a claim by the presence of this element.

Claim 66 is indefinite over the recitation of "amino acids 10-30 from SEQ ID NO: 10" because SEQ ID NO: 10 only comprises 21 amino acids. The metes and bounds are not clearly set forth.

Claims 66-69 are indefinite over the recitation of "comprises amino acids identical to" because it suggest a comparison between an amino acid and an amino acid sequence or sequences and it is unclear how to determine identity between an amino acid and an amino acid sequence or sequences. The metes and bounds are not clearly set forth.

Double Patenting

Applicant is advised that:

should claim 27 be found allowable, claim 28 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof and vice versa;

should claim 35 be found allowable, claim 37 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof and vice versa;

should claim 36 be found allowable, claim 38 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof and vice versa;

should claim 13 be found allowable, claim 20 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof and vice versa;

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of copending Application No. 10003674. Although the conflicting claims are not identical, they are not patentably distinct from each other because each set of claims is directed to the same or similar compounds.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

No claims are allowable.

ANY INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS FROM THE EXAMINER SHOULD BE DIRECTED TO DAVID S. ROMEO WHOSE TELEPHONE NUMBER IS (571) 272-0890. THE EXAMINER CAN NORMALLY BE REACHED ON MONDAY THROUGH FRIDAY FROM 7:30 A.M. TO 4:00 P.M. IF ATTEMPTS TO REACH THE EXAMINER BY TELEPHONE ARE UNSUCCESSFUL, THE EXAMINER'S SUPERVISOR, BRENDA BRUMBACK, CAN BE REACHED ON (571)272-0961.

IF SUBMITTING OFFICIAL CORRESPONDENCE BY FAX, APPLICANTS ARE ENCOURAGED TO SUBMIT OFFICIAL CORRESPONDENCE TO THE FOLLOWING TC 1600 BEFORE AND AFTER FINAL RIGHTFAX NUMBERS:

BEFORE FINAL (703) 872-9306
AFTER FINAL (703) 872-9307

CUSTOMERS ARE ALSO ADVISED TO USE CERTIFICATE OF FACSIMILE PROCEDURES WHEN SUBMITTING A REPLY TO A NON-FINAL OR FINAL OFFICE ACTION BY FACSIMILE (SEE 37 CFR 1.6 AND 1.8).

FAXED DRAFT OR INFORMAL COMMUNICATIONS SHOULD BE DIRECTED TO THE EXAMINER AT (571) 273-0890.

ANY INQUIRY OF A GENERAL NATURE OR RELATING TO THE STATUS OF THIS APPLICATION OR PROCEEDING SHOULD BE DIRECTED TO THE GROUP RECEPTIONIST WHOSE TELEPHONE NUMBER IS (703) 308-0196.

DAVID ROMEO
PRIMARY EXAMINER
ART UNIT 1647

DSR
JULY 20, 2004